

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

IN RE:

MELISSA CARLENE CLOWES,

Case No. 14-21227 DSK
Chapter 7

Debtor.

TRUSTEE'S MOTION FOR TURNOVER OF PROPERTY OF THE ESTATE

COMES NOW the Chapter 7 Trustee, Lynda F. Teems, and moves this Court for an Order directing the debtor to turnover funds received from the 2013 Federal Income Tax refund, that have been in debtor's possession and control during the period debtor filed for bankruptcy, and in support of this Motion, would respectfully show the Court the following:

1. On February 4, 2014, the above-named debtor filed a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code.
2. Lynda F. Teems was duly appointed interim Trustee herein and is presently acting as such Trustee.
3. On March 10, 2014, debtor testified at her Meeting of Creditors that she received a refund in an amount over \$10,000.00 from the filing of her 2013 Federal Income Tax Return.
4. 11 U.S.C. § 541 allows that all legal or equitable interests of the debtor in property as of the commencement of the case are property of the estate.
5. Debtor has room to Amend Schedule C to claim and exempt the additional sum of \$1,576.00 pursuant to Tenn. Code Ann. §26-2-103 that the Trustee will/does not object to.

6. By reason of the foregoing, your Trustee claims that the debtor has in her possession or control funds which she has failed to turn over to the Trustee.

7. Your Trustee is entitled to a copy of the filed 2013 Tax Return immediate possession of all funds received by the Debtor from her 2013 Federal Income Tax refund less the exempt amount of \$5,250.00 and the \$1,576.00 still available under Tenn. Code Ann. §26-2-103 should Debtor amend Schedule C leaving the remaining property of the estate.

WHEREFORE, PREMISES CONSIDERED, your Trustee prays:

1. That the above-referenced Motion be set for a hearing;
2. That an order be entered directing the debtor to turnover to the Trustee a copy of the filed 2013 Tax Return and all funds received by her from her 2013 Federal Income Tax refund or in the alternative the Debtor turnover the balance after amending her Schedule C exemptions to claim the \$1,576.00 still available under Tenn. Code Ann. §26-2-103;
3. That your Trustee has such other and further relief as this Court finds just and proper.

Respectfully submitted,

/s/ Lynda F. Teems
LYNDA F. TEEMS #13976
Chapter 7 Trustee
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Turnover of Property of the Estate was served on the following parties by electronic servicing or by placing a copy of same in the U.S. Mail, postage prepaid, this 28th day of March, 2014:

Debtor
Debtor's Attorney
Office of the U.S. Trustee
Entire Matrix

/s/ Lynda F. Teems
LYNDA F. TEEMS